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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,687	07/17/2003	William J. McFarland	355053.02200	1762

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BEVER HOFFMAN & HARMS, LLP
2099 GATEWAY PLACE
SUITE 320
SAN JOSE, CA 95110

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,687	Applicant(s) MCFARLAND, WILLIAM J.	
	Examiner SIMON D. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13,14,17,18,20-22,24,26,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13,14,17,18,20-22,24,26,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings filed 7/19/06 have been received and accepted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-14, 17-18, 20-22, 24, 26, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trachewsky (20040017794) in view of Machui (6,861,924).

Regarding claim 13, Trachewsky discloses a WLAN transceiver (fig.4A) having two RF transceivers, each of the two transceivers (4B-C) configured to select between a plurality of channels; a processor (64, 76) for determining different frequency channels (paragraphs 10-14, 43, 45). However, Trachewsky does not specifically disclose a switch for selectively connecting to one filter of a plurality of filters.

Machui, in the same field of invention, discloses a switch for selectively connecting to one filter of a plurality of filter, wherein each filter being associated with one frequency channel of a plurality of frequency channels (figs. 4-6, 9). Therefore, it would have been obviously to one skilled in the art at the time the invention was made

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to have Trachewsky, modified by Machui in order to improve multi-band transceiving signals.

Regarding claim 20, Trachewsky discloses a method for selecting a RF signal reception frequency range, comprising: determining available RF frequency range (paragraph 10); receiving a first frequency range in a first receiver; receiving a second frequency range in a second receiver (paragraphs 12-14, 43-45, fig.10). However, Trachewsky does not specifically disclose a switch for selectively connecting to one filter of a plurality of filters.

Machui, in the same field of invention, discloses a switch for selectively connecting a first receiver to a first filter to receive random access communication (Machui 's communication system is a CDMA, which is a random access (column 3 line 4) over a first available RF frequency range; and selectively connecting a second receiver to a second filter to receive random access communication over a second available RF frequency range; wherein the first and second filters being chosen from a plurality of filters providing a predetermined RF frequency ranges (figs. 4-6, 9). Therefore, it would have been obviously to one skilled in the art at the time the invention was made to have Trachewsky, modified by Machui in order to improve multi-band transceiving signals.

Regarding claim 14, Machui further discloses a switch for selectively connecting the RF transceiver to a filter associated with a desired frequency range (figs. 4-6, 9).

Regarding claims 17, 28, Trachewsky fails to disclose the random access comprising CSMA and DCF.

It should be noted that Trachewsky discloses the a WLAN transceiver, connects in a plurality of different bands or ranges from a cellular phone network, satellite network, bands from 2.4 to 2.5 GHZ, 5.15 to 5.875 GHz (paragraphs 6-9), which means the system of Trachewsky is obvious comprised CSMA and DCF signals which is known to those skilled in the art in order to improve the WLAN transceiver.

Regarding claim 18, Trachewsky further discloses frequency channels are grouped into a plurality of adjacent frequency channels (paragraphs 8, 10-11, 56, claims 12).

Regarding claim 21, Trachewsky further discloses the step of detecting whether the frequency ranges are available or occupied (paragraph 63).

Regarding claim 22, Trachewsky further discloses the step of determining whether the frequency ranges are transmitted or received (abstract).

Regarding claim 24 and 26, the modified Trachewsky fails to disclose the step of selecting a filter among a plurality of filters.

Machui discloses dynamically choosing each of the first and second filters from a plurality of filters according to a predetermined frequency passband (figs. 4-6, 9).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Trachewsky, modified by Machui to allow a certain frequency range within a frequency band passed through a filter in order to prevent the interference between a plurality of frequency ranges.

Regarding claim 29, Trachewsky further discloses the receivers receiving OFDM signals (paragraphs 63).

Response to Arguments

4. Applicant's arguments with respect to claims 13, 14, 20, 24, 26 have been considered but are moot in view of the new ground(s) of rejection.

The new cited art of Machui discloses a plurality of transceivers (fig.9), each transceiver having at least two receiving filters and at least two transmitting filters, a switching circuit for selectively connecting to a filter, that corresponds to a frequency band or range or channel.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
600 Dulany, Alexandria, VA 22314


Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

September 21, 2006


SIMON NGUYEN
PRIMARY EXAMINER